IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2307 OF 1999

M/s.Elegant Pharmaceuticals Ltd.
and Ors. ..Petitioners

Vs.

Dinesh Lakhani & Anr. ..Respondents

...

Mr.Ganesh Gole Advocate for Petitioners
None present for Respondent No.1 though served
Mr.M.M.Deshmukh A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 31,2006

P.C.

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners are seeking stay of the proceedings in C.C.No.737/S/98 pending before the learned Metropolitan Magistrate, 40th Court, Girgaum, Bombay. In the said case process has been issued against the petitioners under Section 138

r.w. Section 141 of the Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V.Padode, reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. Learned advocate for the petitioners makes a statement that revision will be preferred within four weeks from today. In view of this statement, stay granted by this Court is extended for a period of four weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions

Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties. The learned Sessions Judge to condone the delay if any, caused in filing the revision.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]